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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,245

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Masayoshi Son

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHAE, KYU

ART UNIT

PAPER NUMBER

2426

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,245	Applicant(s) SON, MASAYOSHI	
	Examiner KYU CHAE	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/2006, 1/9/2009, 1/9/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-5, 7 and 8** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2008/0046942 A1 to *Merlin*.

As to **claim 1**, *Merlin* discloses an information distribution system comprising:

a broadcast content receiving section operable to receive broadcast content which is broadcasted through radio waves (Fig. 1, pg. 2, ¶0030 & 0039, Cable TV Box 11 receives cable TV broadcast signals);

a network content acquisition section operable to acquire network content which is distributed through an IP network (Fig. 1, pg. 2, ¶0030 & 0039, TV-Internet Integration Box 16 receives Internet broadcast signal (IP packet data) from web server 14 via Internet 15); and

a combination output section operable to combine and output said broadcast content with said network content (Fig. 1, pg. 2, ¶¶0030 & 0039-0040, TV-Internet Integration Box 16 is connected to the Cable TV Box 11 for combining the broadcast TV signals received by 11 with the IP packet data broadcast via 15)

said broadcast content receiving section (Fig. 1, pg. 2, ¶¶0030, Cable TV Box 11) comprising:

a broadcast receiving section operable to receive a broadcast signal waves (Fig. 1, pg. 2, ¶¶0030 & 0039, Cable TV Box 11 receives cable TV broadcast signals); and

a conversion section operable to convert a radio wave signal as received into a predetermined digital signal and outputs the predetermined digital signal (Fig. 1, pg. 2, ¶¶0030 & 0039 Cable TV Box 11 processes the received signals), wherein

said broadcast content receiving section is detachably attached to a system body incorporating said combination output section (Fig. 1, pg. 2, ¶¶0030 & 0039, Cable TV box 11 can be attached or detached to TV-Internet Integration Box 16).

As to **claim 3**, *Merlin* discloses the information distribution system as claimed in claim 1 further comprising a content replacement section operable to replace the broadcast content, which is generated by combination in said combination output section, with said network content on the basis of a switching

control signal which is acquired from said IP network (Fig. 1 & 7a-c, pg. 2, ¶¶0030, 0033, & 0039, 0043-0045).

As to **claim 4**, *Merlin* discloses the information distribution system as claimed in claim 3 wherein said switching control signal is periodically acquired from said IP network together with data in a file format associated with replacement times (Fig. 1 & 7a-c, pg. 2, ¶¶0030, 0033, & 0039, 0044-0045).

As to **claim 5**, see claim 1 for similar rejection where the method is taught by the system.

As to **claim 7**, see claim 3 for similar rejection where the method is taught by the system.

As to **claim 8**, see claim 4 for similar rejection where the method is taught by the system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2008/0046942 A1 to *Merlin* in view of U.S. Pub. No. No. 2004/0045031 A1 to *Gautier*.

As to **claim 2**, *Merlin* discloses the information distribution system as claimed in claim 1.

Merlin does not expressly disclose wherein said broadcast content receiving section is provided with an authentication section operable to store an identifier, which is unique to the broadcast content and required for accessing said IP network, and perform authentication by the use of the identifier in response to said network content acquisition section.

Gautier discloses a member services screen that is presented to the customer indicating that there is IP connectivity between the ASTB, the attached equipment and the MSO (*Gautier* pg. 3, ¶0028). *Gautier* further discloses the network validates the subscriber by ensuring that the registration code matches the information obtained for the subscriber in the subscriber record (*Gautier* pg. 3, ¶0030) granting the user access rights which controls the ability of a viewer to access certain services (*Gautier* pg. 3, ¶0025).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Merlin* by providing with an authentication section operable to store an identifier, which is unique to the broadcast content and required for accessing said IP network, and perform authentication by the use of the identifier in response to said network content acquisition section as disclosed by *Gautier*. The suggestion/motivation would have been in order to provide access rights according to view account (*Gautier* pg. 3, ¶0025).

As to **claim 6**, see claim 2 for similar rejection where the method is taught by the system.

Examination Considerations

6. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
7. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

8. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

9. Examiner's Opinion: ¶¶ 6-8 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- WO 00/08855 A1 to *Allison*.

11. Claims 1-8 have been rejected.

Correspondence Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYU CHAE whose telephone number is (571)270-5696. The examiner can normally be reached on Mon-Fri, 8 a.m. - 5 p.m.; EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2426

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 30, 2009